

U.S. Army Corps of Engineers (Corps) **Permitting Procedures During** ***Emergency Situations***

How Does the Corps Define an Emergency Situation?

An “***emergency***” is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.

What Permitting Processes Occur During an Emergency Situation?

The district engineer will explain the circumstances and recommend special procedures to the division engineer. Instruction for processing of the application will be given to the district engineer by the division engineer. Reasonable efforts will be made to receive comments from agencies and the affected public. Notice of any special procedures authorized, and their rationale, is to be appropriately published as soon as practicable.

So – Will I Possibly Be Allowed to Place Dredged or Fill Material Without A Permit?

No! Although you may be given permission to immediately remedy the emergency situation, eventually, ***an authorizing permit would be completed for the emergency action.*** In some cases, regional or nationwide permits already valid for use in the State of Oregon (or State of Washington for Port Activities) would be applicable and used for the emergency situation.

Should I Be Concerned About Historic Sites or Cultural Resources If I Am Allowed to Place Fill During an Emergency Situation?

Yes! However, the local District Engineer will do the following if the proposed action is expected to affect a potentially eligible or designated historic property: a) make every reasonable effort to receive comments from the State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP), and b) comply with the provisions of appendix (C) to our regulations to the extent that time and the emergency situation allows.

Should I Be Concerned About Threatened & Endangered Species If I Am Allowed to Place Fill During an Emergency Situation?

Yes! Consultation with either the U.S. Fish and Wildlife Service or National Marine Fisheries Service (Service) may be conducted informally through alternative procedures consistent with requirements in sections 7(a)-(d) of the Endangered Species Act. Such consultation would occur between Corps and Service representatives.

Certain other processes would also occur. These are: a) formal consultation shall be initiated as soon as practicable after the emergency is under control; b) the Corps shall submit information on the nature of the emergency action, justification for the expedited consultation, and the impacts to endangered and threatened species and their habitats; and c) the Service (U.S. Fish and Wildlife or National Marine Fisheries) will evaluate the Corps information and issue a biological opinion including the information and recommendations given during the emergency consultation.